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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,022	07/06/2001	Yukitoshi Takeuchi	35.C15547	3535
5514	7590	08/04/2006	[REDACTED]	EXAMINER
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			THOMPSON, JAMES A	
			[REDACTED]	ART UNIT
				PAPER NUMBER
			2625	

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/899,022	TAKEUCHI ET AL.
	Examiner	Art Unit
	James A. Thompson	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 May 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4, 7 and 13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 July 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed 22 May 2006 have been fully considered but they are not persuasive.

The previous office action, dated 16 February 2006 and mailed 21 February 2006, does not rely upon Fujitaka (US Patent 5,541,712) for any teaching with regard to the precise direction in which the cover is biased. Fujitaka is relied upon to teach that biasing is performed with a spring, which is not taught in Lee (US Patent 6,233,426 B1) [see page 4, lines 1-13 of said previous office action]. Lee is relied upon to teach the specific directions in which the cover member is biased [see page 3, lines 10-14 of paragraph beginning "Regarding claim 1"]. In Lee, the biasing is simply not performed using a spring, the deficiency of which is made up by the reliance upon Fujitaka. Further, one of ordinary skill in the art at the time of the invention would clearly have been motivated to modify the teachings of Lee according to the teachings of Fujitaka since using a spring as specifically taught by Fujitaka allows for the compensation of the effects of the weight of large, thick media that is to be scanned (column 10, lines 1-4 of Fujitaka) [see page 4, lines 10-13 of said previous office action].

Examiner has fully considered the present amendments to the claims. Since the present amendments that have been made to the claims have necessitated the new grounds of rejection presented below, the present office action is made final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4, 7, 13/1-13/4 and 13/7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US Patent 6,233,426 B1) in view of Fujitaka (US Patent 5,541,712).

Regarding claim 1: Lee discloses a cover of an image reading apparatus (figure 7 and figures 9A-9B of Lee) comprising a cover member (figure 7(86) (and clearly shown in figures 9A and 9B) of Lee) for covering an original placed on an original stand (figure 9A and column 6, lines 14-17 of Lee); and a hinge member (figure 7(84) of Lee) having one end thereof pivotally supported by said cover member (column 5, lines 46-50 of Lee), and having the other end thereof mounted on and pivotally supported by said original stand (column 5, lines 33-39 of Lee), wherein said cover member can be rotated in a direction in which said cover member is opened with respect to said hinge member (figure 9B and column 6, lines 17-26 of Lee), and can be further rotated in a direction parallel to the axis of a rotary shaft (figure 9B(98) of Lee) of said hinge member (figure 3; figure 9B; and column 5, lines 34-39 of Lee).

Lee does not disclose expressly that said cover member is specifically biased by a spring in the directions in which said cover member can be rotated.

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Fujitaka discloses biasing a cover member with respect to a hinge member by a spring (column 10, lines 1-10 of Fujitaka).

Lee and Fujitaka are combinable because they are from the same field of endeavor, namely devices for covering the platen of an image scanning device and securing the document to be scanned. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to specifically bias the cover member with a spring, as taught by Fujitaka, in the two directions in which the cover member can be rotated in the overall apparatus taught by Lee. The motivation for doing so would have been to compensate for the effects of the weight of large, thick media that is to be scanned (column 10, lines 1-4 of Fujitaka). Therefore, it would have been obvious to combine Fujitaka with Lee to obtain the invention as specified in claim 1.

Regarding claim 2: Lee discloses that said hinge member is pivotally supported by an area (figure 4(32) of Lee) other than an end portion of said cover member (column 3, lines 24-27 and column 4, lines 48-51 of Lee). Said hinge member is supported by the recessed region (figure 4(32) of Lee) which comprises an opening (figure 4(40) and column 3, lines 24-27 of Lee) into which the starter (figure 4(52) of Lee) is pivotally inserted, and is thus supported (column 4, lines 48-51 of Lee), said starter being a portion of the overall hinge member (column 3, lines 41-44 of Lee). The recessed region is clearly an area other than an end portion of said cover member.

Regarding claim 3: Lee discloses that said cover member has its pivotally movable range restricted with respect to said hinge member (column 4, lines 35-39 of Lee).

Regarding claim 4: Lee discloses that at least one of said cover member and said hinge member is provided with a restricting portion (figure 3(76) of Lee) for restricting the pivotally movable range of said cover member in the direction in which said cover member is opened with respect to said hinge member (column 4, lines 35-39 of Lee).

Further regarding claim 7: Fujitaka discloses that said spring is a torsion coil spring (column 10, lines 10-11 of Fujitaka).

Regarding claim 13/1: Lee in view of Fujitaka discloses the cover recited in claim 1, the arguments of which are incorporated herein; and Lee discloses image reading means (figure 4(20(portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

Regarding claim 13/2: Lee in view of Fujitaka discloses the cover recited in claim 2, the arguments of which are incorporated herein; and Lee discloses image reading means (figure 4(20(portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

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Regarding claim 13/3: Lee in view of Fujitaka discloses the cover recited in claim 3, the arguments of which are incorporated herein; and Lee discloses image reading means (figure 4(20(portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

Regarding claim 13/4: Lee in view of Fujitaka discloses the cover recited in claim 4, the arguments of which are incorporated herein; and Lee discloses image reading means (figure 4(20(portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

Regarding claim 13/7: Lee in view of Fujitaka discloses the cover recited in claim 4, the arguments of which are incorporated herein; and Lee discloses image reading means (figure 4(20(portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

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Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



25 July 2006

James A. Thompson
Examiner
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